
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET, INC., a Delaware corporation,

Defendant.

**MEMORANDUM DECISION
AND ORDER GRANTING
BLENDJET INC.'S MOTION FOR
LEAVE TO FILE DOCUMENTS
UNDER SEAL**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Chief Magistrate Judge Dustin B. Pead

Defendant BlendJet's moves the court for leave to file under seal Corrected Declarations of Patrick McGill and Ryan Pamplin in Support of BlendJet's Response to Blendtec's Motion to Enforce the Protective Order, to Disqualify Patrick McGill and Sheppard Mullin, and for Attorneys' Fees. (ECF No. 148.)

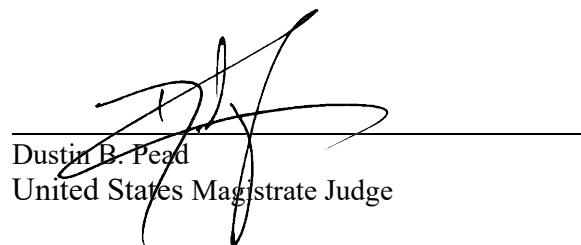
"The records of the court are presumptively open to the public," and sealing court documents is "highly discouraged." DUCivR 5-3(a)(1). The right of access to judicial records, however, is not absolute. *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241 (10th Cir. 2012). "[T]he presumption in favor of access to judicial records may be overcome where countervailing interests heavily outweigh the public interests in access." *Id.* (internal quotation marks omitted). "The burden is on the party seeking to restrict access to show some significant interest that outweighs the presumption." *Id.* (internal quotation marks omitted).

Blendjet's stated reason for filing these documents under seal is that they are designated "CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY pursuant to the Standard Protective Order by BlendJet" and they contain "non-public and sensitive information" that could cause competitive harm. (ECF No. 148 p. 2.) The mere fact that a party designates documents as confidential is not a sufficient reason by itself to seal documents. DUCivR 5-

3(a)(1). Yet, if there is certain information that may be harmful to a party if released, then that may overcome the presumption in favor of access to public access.

The court finds good cause that the documents should be sealed here and GRANTS the motion.

DATED this 5 June 2023.



Dustin B. Pead
United States Magistrate Judge